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C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 002009

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SUBJECT: GEORGIA: PROGRESS ON ELECTION CODE

Classified By: DCM KENT LOGSDON FOR REASONS 1.4 (b) AND (d).

¶1. (C) Summary: Opposition parties and the ruling United National Movement (UNM) have announced agreement on a number of key issues regarding the new electoral code, paving the way for a Venice Commission review. Behind the scenes negotiations within the UNM, amongst the opposition, and between the opposition and UNM paved the way for general agreement on the question of a threshold for the direct election of the mayor of Tbilisi, the make-up of the Central Election Commission (CEC) and how the Tbilisi city council will be elected. This agreement could signal a healthy start to the May 2010 electoral cycle, although opposition leader Irakli Alasania may decide to continue his fight for a higher threshold for the Tbilisi mayor's race. According to the UNM, a final version of the electoral code should be ready for Venice Commission review by the end of the week of November 16 -- or by month's end at the latest. End Summary.

¶2. (C) Comment. Reaching an agreement on a number of issues, especially the makeup of the CEC and removal of the current CEC chair can be viewed as a significant concession. The replacement of the CEC chair and composition, and the direct election of the mayor of Tbilisi had long been on the opposition wish list. The agreement will likely not appease the radicals or Alasania himself but it does represent significant progress through negotiation. In the end, Alasania looks to have been too clever by half. The UNM was unlikely to ever agree to a 50 percent threshold but had Alasania stuck with the parliamentary opposition Christian Democrats (CDM), he might have been able to get the UNM to concede at least few more percentage points and possibly more directly elected mayors in other key cities in Georgia -- a key demand of the CDM. End Comment.

What Was Agreed

¶3. (C) UNM chief negotiator and chairman of the Parliamentary Foreign Affairs Committee Akaki Minashvili briefed the diplomatic corps November 13 on the current status of negotiations on the electoral code. He said the agreement was the result of intense behind-the-scenes negotiations including negotiations within the UNM. The ELWG participants unanimously agreed to elect the Tbilisi city council by dividing the 50 seats into 25 direct mandate majoritarian districts and 25 elected by party lists. The 25 majoritarian districts would have a 30 percent threshold which was only opposed by representatives from two minor parties Jondi Baghaturia (Georgian Troupe) and Paata Davitaia (We Ourselves). The group also unanimously accepted the UNM proposal to dismiss current CEC chairperson Levan Tarkhnishvili, effectively agreeing to a long time opposition demand. The UNM proposal envisions a CEC of thirteen members, five of whom would be selected by Parliament and seven by political parties (those parties which cleared the parliamentary threshold in the last elections). The Chair of the CEC would be selected by the opposition from a list of three candidates nominated by the President. The CEC proposal received unanimous agreement. The ELWG also agreed

on a 30 percent threshold for the election of the Tbilisi mayor. This proposal was only opposed by the three parties represented in Irakli Alasania's Alliance.

How We Got Here

¶4. (C) Christian Democratic Movement (CDM) representatives and representatives from Alasania's party (United Georgia - Free Democrats) have been talking since before the April protests on a potential common strategy. CDM told Alasania their analysis of the political situation; namely that Alasania's natural electorate is a moderate, centrist voter and that he was not a natural radical. CDM tried to persuade Alasania not to participate in the rallies and instead pursue dialogue on concrete issues where Alasania's and CDM's political interests coincided. Though Alasania ultimately declined, he made the decision once the protests stopped to pursue a more moderate route and engage the GoG. Both CDM leader Giorgi Targamadze and Alasania understood that together they represented a challenge to the UNM because both enjoy significant popular support unlike the vast majority of the other opposition. Both realized that if they could come to an agreement between them, many other opposition would likely support them giving them significant bargaining power vis--vis the UNM.

¶5. (C) An Embassy contact told Poloff that Targamadze and Alasania had a deal in principle (or so thought Targamadze) that CDM would tacitly support Alasania in Tbilisi. In talks with the UNM, CDM would support his 50 percent threshold demand for the mayoral election as a negotiating point. In return, Alasania would fight the CDM priority of direct

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elections of mayors in Batumi, Poti, Kutaisi and other cities. Talks between Targamadze and Alasania were an open secret around Tbilisi. For Alasania, the 50 percent threshold was viewed as a necessity as it would serve to protect his flank against the radical opposition who are likely to run a candidate or two (or more) to dilute his vote. Former Speaker of Parliament, Nino Burjanadze (Democratic Movement - United Georgia), has never hid her contempt for Alasania and she sees him as having blocked her "right" to the top job. Burjanadze has a vested interest in scuttling Alasania's political aspirations and the political savvy and resources to potentially do so. Former presidential candidate and opposition leader Levan Gachechiladze also has little to gain in supporting Alasania's bid for mayor. If Alasania wins and moves the arger opposition off the streets, Gachechiladze will have little political role to play.

Threshold Question for Mayor - A Loss for Alasania or Good Progress

¶6. (C) In the current electoral climate, a 50 percent threshold helps only Alasania, which made it easy for the other opposition to agree to the lower 30 percent mark once it became obvious Alasania was not prepared to go to bat for other opposition priorities. If Alasania were to come in first or second in May elections to face UNM incumbent Gigi Ugulava (which under current circumstances would be a likely outcome), Burjanadze and other radicals would be marginalized, with opposition-leaning Tbilisi likely to support Alasania in the second round. Thinking they had a deal, Alasania's announcement that he would run for mayor and focus only on Tbilisi caught CDM completely off guard. MP Nika Laliashvili (CDM) told Poloff that CDM leaders were frustrated with Alasania because they believed they had the makings of a solid plan that would benefit both Alasania and CDM and increase their collective bargaining strength. CDM moved forward with the other opposition at the ELWG and agreed to the 30 percent threshold in exchange of other concessions they deemed more important such as the composition of the CEC and selection of its chair.

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